

**54-13-1. Definitions.**

As used in this chapter, "intrastate pipeline transportation" and "pipeline facilities" have the definitions set forth in the Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. Section 60101.

Amended by Chapter 9, 2001 General Session

**54-13-2. Commission's responsibilities.**

The commission is responsible for establishing safety standards and practices for intrastate pipeline transportation and shall make and enforce rules required by the federal Natural Gas Pipeline Safety Act to maintain state control over the regulation of intrastate pipeline transportation.

Enacted by Chapter 131, 1989 General Session

**54-13-3. Rules.**

The commission shall adopt and enforce rules pursuant to Section 54-13-2 including rules which:

- (1) incorporate the safety standards established under the federal Natural Gas Pipeline Safety Act that are applicable to intrastate pipeline transportation; and
- (2) require persons engaged in intrastate pipeline transportation to:
  - (a) maintain records and to submit reports and information to the commission to enable the commission to determine whether the person is acting in compliance with this chapter or rules adopted under this chapter; and
  - (b) file, with the commission for its approval, a plan for inspection and maintenance of each pipeline facility.

Enacted by Chapter 131, 1989 General Session

**54-13-4. Inspection and examination of records and properties.**

Officers, employees, or agents authorized by the commission, upon presenting appropriate credentials to the person in charge, may inspect and examine, at reasonable times and in a reasonable manner, the records and properties of any person engaged in intrastate pipeline transportation to the extent those records and properties are relevant to determining whether the person is acting in compliance with this chapter or rules under this chapter.

Enacted by Chapter 131, 1989 General Session

**54-13-5. Establishment of fee.**

The commission may, by rule, establish a fee for the inspection of pipeline facilities of any person engaged in intrastate pipeline transportation who does not pay a public utilities regulation fee pursuant to Title 54, Chapter 5.

Enacted by Chapter 131, 1989 General Session

**54-13-7. Minimum distances for placement of structures and facilities near main and transmission lines.**

- (1) As used in this section:
  - (a) "Main" has the meaning set forth in 49 C.F.R. Section 192.3.
  - (b) "Minimum distance" means:
    - (i) the width of a recorded easement when the width is described;
    - (ii) 15 feet when the width of a recorded easement is undefined; or
    - (iii) for any underground facility, it means an area measured one foot vertically and three feet horizontally from the outer surface of a main or transmission line.
  - (c) "Transmission line" has the meaning set forth in 49 C.F.R. Section 192.3.
  - (d) "Underground facility" has the meaning set forth in Section 54-8a-2.
- (2) (a) After April 30, 1995, a building or structure requiring slab support or footings, or an underground facility may not be placed within the minimum distance of a main or transmission line.
  - (b) Subsection (2)(a) does not apply if:
    - (i) the building or structure is used for public or railroad transportation, natural gas pipeline purposes, or by a public utility subject to the jurisdiction or regulation of the Public Service Commission;
    - (ii) in order to receive natural gas service, the building or structure must be located within the minimum distance of the pipeline;
    - (iii) the owner or operator of the main or transmission line has been notified prior to construction or placement pursuant to Section 54-8a-4 and has given written permission; or
    - (iv) the commission by rule exempts such action from the provisions of Subsection (2)(a).
- (3) An owner or operator of a main or transmission line may obtain a mandatory injunction from the district court of the judicial district in which the main or transmission line is located against any person who violates Subsection (2).
- (4) The penalties specified in Title 54, Chapter 7, Hearings, Practice, and Procedure, do not apply to a violation of this section.

Amended by Chapter 340, 2011 General Session

**54-13-8. Violation of chapter -- Penalty.**

- (1) Any person engaged in intrastate pipeline transportation who is determined by the commission, after notice and an opportunity for a hearing, to have violated any provision of this chapter or any rule or order issued under this chapter, is liable for a civil penalty of not more than \$10,000 for each violation for each day the violation persists.
- (2) The maximum civil penalty assessed under this section may not exceed \$500,000 for any related series of violations.
- (3) The amount of the penalty shall be assessed by the commission by written notice.
- (4) In determining the amount of the penalty, the commission shall consider:
  - (a) the nature, circumstances, and gravity of the violation; and
  - (b) with respect to the person found to have committed the violation:

- (i) the degree of culpability;
- (ii) any history of prior violations;
- (iii) the effect on the person's ability to continue to do business;
- (iv) any good faith in attempting to achieve compliance;
- (v) the person's ability to pay the penalty; and
- (vi) any other matter, as justice may require.

(5) (a) A civil penalty assessed under this section may be recovered in an action brought by the attorney general on behalf of the state in the appropriate district court, or before referral to the attorney general, it may be compromised by the commission.

(b) The amount of the penalty, when finally determined, or agreed upon in compromise, may be deducted from any sum owed by the state to the person charged.

(6) Any penalty collected under this section shall be deposited in the General Fund.

Enacted by Chapter 426, 2011 General Session